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## **JUVENILE JUSTICE COMMITTEE**

**Tuesday, March 28, 2006  
10:15 AM - 12:00 PM  
214 Capitol**

## **ACTION PACKET**

# COMMITTEE MEETING REPORT

## Juvenile Justice Committee

3/28/2006 10:15:00AM

Location: 214 Capitol

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Faye Culp (Chair)	X		
Gustavo Barreiro			X
Audrey Gibson	X		
Matthew Meadows	X		
Mitch Needelman	X		
Frank Peterman			X
Anthony Traviesa	X		
<b>Totals:</b>	<b>5</b>	<b>0</b>	<b>2</b>

## COMMITTEE MEETING REPORT

### Juvenile Justice Committee

3/28/2006 10:15:00AM

Location: 214 Capitol

HB 535 CS : School Safety

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gustavo Barreiro			X		
Audrey Gibson			X		
Matthew Meadows	X				
Mitch Needelman	X				
Frank Peterman			X		
Anthony Traviesa	X				
Faye Culp (Chair)	X				
Total Yeas: 4		Total Nays: 0			

#### Appearances:

##### School Safety

Nadine Smith - Information Only

Florida Coalition for Safe Schools

115 117th Avenue Northeast

St. Petersburg Florida 33716

Phone: 813-870-3735

##### School Safety

Deborah Perez, Vice-President - Opponent

Miami-Dade Student Government

3340 SW 24th Terrace

Miami Florida 33145

Phone: 786-222-3610

##### School Safety

Michael Freincle - Opponent

Brandon High School student

525 Clearfield Road

Brandon Florida 33511

Phone: 813-294-9998

##### School Safety

The Reverend Linn Possell - Opponent

2502 Hargill Drive

Orlando Florida 32806

##### School Safety

Kevin Scheuerman - Opponent

2959 SW Carmel Place

Palm City Florida 34990

Phone: 850-345-0350

## **COMMITTEE MEETING REPORT**

### **Juvenile Justice Committee**

**3/28/2006 10:15:00AM**

**Location:** 214 Capitol

School Safety

Kyle DeVries - Opponent

FSU Students

2125 Jackson Bluff Road, Apt. 0-201

Tallahassee Florida 32304

Phone: 352-978-2082

School Safety

Gavin Handrop (State Employee) - Opponent

540 Bryan Street, Apt. 204B

Tallahassee Florida 32304

Phone: 850-980-6351

School Safety

Abby King - Opponent

1325 W. Tharpe Street, Apt. 933

Tallahassee Florida 32303

Phone: 386-931-0862

# COMMITTEE MEETING REPORT

## Juvenile Justice Committee

3/28/2006 10:15:00AM

Location: 214 Capitol

HB 1457 : Youth Custody Officers

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gustavo Barreiro			X		
Audrey Gibson	X				
Matthew Meadows	X				
Mitch Needelman	X				
Frank Peterman			X		
Anthony Traviesa	X				
Faye Culp (Chair)	X				
Total Yeas: 5		Total Nays: 0			

## COMMITTEE MEETING REPORT

### Juvenile Justice Committee

3/28/2006 10:15:00AM

**Location:** 214 Capitol

#### **Summary:**

#### **Juvenile Justice Committee**

*Tuesday March 28, 2006 10:15 am*

HB 535 CS    Favorable

Yeas: 4    Nays: 0

HB 1457    Favorable With Committee Substitute

Yeas: 5    Nays: 0

3.28.06

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1457

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED   /   (Y/N)  
ADOPTED W/O OBJECTION   ✓   (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

REPORTED TO  
CLERK

3.28.06

Council/Committee hearing bill: Juvenile Justice Committee

Representative Lopez-Cantera offered the following:

**Amendment (with title amendment)**

Remove line(s) 27-48 and insert:  
specifically limited to these purposes ~~this purpose~~.

(2) While in the performance of his or her duties, a youth custody officer:

(a) May file criminal charges and gather evidence for the prosecution where the officer has probable cause to believe that a youth, who he or she has taken into custody pursuant to subsection (1), has committed violations of criminal law.

(b) Has statewide jurisdiction.

(c) Has the same authority and powers granted to law enforcement officers by law, including the authority to make arrests under chapter 901, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities, except that a youth custody officer may not exercise any power or duty authorized in chapter 316 or in s. 901.15(5).

(3) ~~(2)~~ A youth custody officer must meet the minimum qualifications for employment or appointment, be certified as a

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 law enforcement officer under chapter 943, and comply with the  
23 requirements for continued employment required by s. 943.135.  
24 The department ~~of Juvenile Justice~~ must comply with the  
25 responsibilities provided for an employing agency under s.  
26 943.133 for each youth custody officer.

27 (4) ~~(3)~~ A youth custody officer shall inform

28  
29 ===== T I T L E A M E N D M E N T =====

30 Remove line(s) 3-12 and insert:

31 985.2075, F.S.; providing that youth custody officers may file  
32 criminal charges and gather evidence under specified  
33 circumstances; providing that youth custody officers have the  
34 authority and powers of law enforcement officers, subject to  
35 specified exceptions, while in the performance of their duties;  
36 requiring youth custody officers to be certified as law  
37 enforcement officers; providing an effective date.

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Florida  
**Safe Schools**  
Coalition

*"Enumeration is the essential device used to make the duty not to discriminate concrete and to provide guidance for those who must comply."*

-US Supreme Court in *Romer v. Evans*

## Enumeration

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If you are serious about safer schools, enumeration is essential and it works.

Students from schools with comprehensive anti-bullying and anti-harassment policies *that specifically enumerate categories of harassment (like faith, race, sexual orientation and others)* report significantly less bullying and harassment in their schools.

To protect more students from bullying and harassment, state laws must mandate comprehensive policies *that specifically enumerate categories* in every school district.

### Leading Arguments In Support of Enumeration:

- **Comprehensive policies with enumeration help ensure safety and reduce absenteeism.** Students from schools with a comprehensive policy are 50% more likely to feel very safe at school (54% vs. 36%). Students without such a policy are three times more likely to skip a class because they feel uncomfortable or unsafe (16% vs. 5%).
- **Students report less overall harassment when they know their school has a comprehensive policy with enumeration.** Students from schools with an enumerated policy report that others are harassed far less often in their school for reasons like their physical appearance (36% vs. 52%), their sexual orientation (32% vs. 43%) or their gender expression (26% vs. 37%).

Students whose schools have a policy that specifically includes sexual orientation or gender identity/expression are less likely than other students to report a serious harassment problem at their school (33% vs. 44%).

- **History and the Supreme Court tell us that enumerating policies is necessary.** Girls would not have sports and our schools would be racially segregated if policymakers had not specifically addressed these inequities by enumerating categories like sex and race in our laws. The Supreme Court of the United States notes in *Romer v. Evans* that, "Enumeration is the essential device used to make the duty not to discriminate concrete and to provide guidance for those who must comply."

Source: GLSEN & Harris Interactive (2005), *From Teasing to Torment: School Climate in America*. New York: GLSEN.

## Questions

Perhaps the most common forms of bullying in our schools, and one that is often not addressed in training or in policy, is anti-gay harassment. **Does your bill protect lesbian, gay, bisexual, and transgender students?**

This bill states "The school district policy shall not establish categories of students but shall afford all students the same protection regardless of their status under law." **Won't this bill nullify current local safe schools policies that include categories?**

Teachers tell us that they need training and support to address bullying. **How will your bill address the training for all teachers and school personnel?**

When you look at a school board like Bay County's – that passed an anti-gay resolution - **How do you expect local districts to enforce prohibitions against anti-gay bullying without it being specifically required?**

In Miami Dade County our safe schools policies include the categories of harassment we know are a problem - like racism, homophobia, anti-religious attacks. We are very concerned that your bill forbids local districts from naming categories of harassment (lines 90-92). **Are you willing to change the language in your bill that prohibits school districts from naming the problems we see in our schools?**

Miami Dade is one of the few districts in our state that is making a serious effort to address even the most difficult to talk about forms of harassment – like homophobia and racism. **How will your bill deal with school districts that refuse to discuss issues they deem too "controversial" like anti-gay attacks?** Walk us through how a parent of a gay student will get protection for their child when a district isn't willing to discuss homophobia.

You have said that your main concern with listing the common forms of harassment in the bill is strictly because you do not want to leave any students out or unprotected. **Would you be willing to add the categories of harassment to your bill that we all know are a problem if the phrase "including but not limited to" were placed in front of the list to ensure no group of students was excluded from protection?**

A bill that simply says "don't be a bully" is like a speed limit sign that says "don't speed". Your bill doesn't enumerate specific types of bullying. **How can we hold schools and students accountable for their behavior if we aren't willing to define specifically what behavior is prohibited?**

## **From Teasing to Torment - Study Reveals Student Perceptions of Bullying and Harassment in Florida Schools**

*New Survey Illustrates Severity of Problem, and Identifies Frequent Targets of Verbal and Physical Harassment*

**New York, NY** – GLSEN, or the Gay, Lesbian and Straight Education Network, has released **"From Teasing to Torment: A Report on School Climate in Florida,"** which provides a rare look into student experiences with bullying and harassment, and their attitudes about this serious problem in Florida schools. The results are based on students in Florida from a national survey of secondary school students and teachers conducted by Harris Interactive.

**"This study clearly illustrates the prevalence of bullying and harassment in Florida schools," said Nadine Smith of Equality Florida. "It also shows how having anti-harassment policies in schools – particularly those policies that include specific categories of students – can be associated with students feeling safer at school."**

Results from the survey demonstrate that bullying is common in Florida schools, and the basis for which students are frequent targets of verbal and physical harassment:

- Less than half (43%) of the Florida students said they felt very safe in their schools, and nearly a tenth (7%) reported that they either felt not very safe or not at all safe.
- Overall, half of Florida students (51%) reported that they were verbally harassed in school in the previous year. One-fifth (21%) of the students reported that they had been physically harassed or assaulted.
- The vast majority of Florida students reported that they heard sexist language (77%) and homophobic language (76%) at least some of the time, and almost a quarter of the students reported that they heard these comments very often. Sexist and homophobic remarks were heard significantly more often than racist or negative religious remarks.
- Sixty-six percent (66%) of respondents said that bullying based on physical appearance and body size occurred at least some of the time and 35% reported that it occurred often or very often. Sixty-one percent (61%) of respondents reported that students are bullied, called names or harassed at least some of the time at school because they are or are perceived to be lesbian, gay, or bisexual, and one-third (33%) said these behaviors occurred often or very often in their schools.
- Nearly 90% of Florida students reported hearing comments such as "that's so gay," or "you're so gay," in which the word "gay" is used to mean stupid or worthless.
- The vast majority of students said that racist (90%), homophobic (88%), and sexist (83%) remarks were used at least some times when teachers were present, and many students reported that teachers and staff did not intervene during these incidents.

**The majority of Florida students who experience harassment in school never report these incidents of harassment to teachers or other school personnel. 59% said that they never reported the incident(s) to a teacher, principal or other school staff member. Among students who reported at least one incident, 19% said that school personnel did not take steps to correct the problem or ensure that it would not happen again.**

"The results of this study indicate that there is a lot of work to be done in Florida to ensure that all students can learn in a safe environment," said Kevin Jennings, Founder and Executive Director of GLSEN. "State-level safe school legislation that provides for specific categories must be adopted, and teachers and other school staff must go through appropriate training to assess and respond to incidents of verbal or physical harassment."

## **Methodology**

Student interviews were conducted online by a nationally representative sample of 3,450 public and private/parochial students ages 13 to 18. Within this sample, an oversample of students was drawn from several states including Florida. A total of 195 respondents attended schools in Florida at the time of the survey. Interviews averaged 15 minutes and were conducted between January 13 and January 31, 2005. Sample was drawn from the Harris Poll Online (HPOL) multimillion member online panel of cooperative respondents from over 100 countries. Invitations for this study were emailed to a selected sample of the database identified as residing in the United States and being a student between the ages of 13 and 18. Data were weighted to reflect the national population of children ages 13 to 18 for key demographic variables (gender, age, race and ethnicity, size of place, region, and parent's education). A post weight was applied to the student data to adjust for the 12 state over-sampling so that the regional distribution reflects the nation as a whole. Demographic weights were based on U.S. Census data obtained via the March 2004 Current Population Survey (CPS).

## **About GLSEN**

GLSEN, or the Gay, Lesbian and Straight Education Network, is the leading national education organization focused on ensuring safe schools for all lesbian, gay, bisexual and transgender students. Established nationally in 1995, GLSEN envisions a world in which every child learns to respect and accept all people, regardless of sexual orientation or gender identity/expression. For more information on GLSEN's educational resources, public policy agenda, student organizing programs or development initiatives, visit [www.glsen.org](http://www.glsen.org).

## **About Harris Interactive®**

Harris Interactive Inc. ([www.harrisinteractive.com](http://www.harrisinteractive.com)) is the 13th largest and fastest-growing market research firm in the world, perhaps best known for *The Harris Poll*® and for pioneering and engineering Internet-based research methods. The Rochester, New York-based global research company blends premier strategic consulting with innovative and efficient methods of investigation, analysis and application, conducting proprietary and public research globally to help clients achieve clear, material and enduring results.

Blending science and art, Harris Interactive combines its intellectual capital and one of the world's largest online panels of respondents, with premier Internet survey technology and sophisticated research methods to market leadership through its US, Europe ([www.harrisinteractive.com/europe](http://www.harrisinteractive.com/europe)) and Asia offices, its wholly owned subsidiary, Novatris in Paris ([www.novatris.com](http://www.novatris.com)), and through an independent global network of affiliate market research companies.

## **Florida Poll Finds Broad Support for Gay Inclusive Safe Schools Legislation**

A June 2005 survey (attached) of Florida residents shows that the vast majority of Floridians support a statewide anti-bullying policy that includes lesbian, gay, bisexual and transgender students.

The poll was completed by a Washington DC based national research firm and found:

- **80% of Floridians** support a safe schools law that also includes protections for lesbian, gay, bisexual and transgender students. Only 16% oppose.
- **92% of women under the age of 50** support a fully inclusive law.
- **94% of Floridians under the age of 30**, those closest to school age, support such a law
- **In every region of the state**, more than 3 out of 4 Floridians support such a law
- **80% of Floridians who attend church** service every week are supportive
- **97% of Hispanic women and 82% of Hispanic men** support a gay inclusive safe schools law.

# EQUALITY FLORIDA SURVEY REPORT -- WEIGHTED DATA

TABLE 2  
02 Jun 05

		12. PASSING "SAFE SCHOOLS" LAW					Total	Total favor	Total oppose	Net favor
		Strongly favor	Somewhat favor	Don't know	Somewhat oppose	Strongly oppose	# of respondents	Total favor	Total oppose	Net favor
		PCT	PCT	PCT	PCT	PCT				
ALL RESPONDENTS		64%	16%	4%	6%	10%	1200	80%	16%	64%
GENDER	Women	69%	15%	4%	5%	7%	613	84%	12%	71%
	Men	59%	18%	4%	7%	13%	587	77%	20%	57%
AGE	Under 30	74%	19%	0%	4%	4%	94	92%	8%	85%
	30-39	54%	30%	2%	6%	8%	140	84%	14%	70%
	40-49	63%	17%	5%	6%	8%	211	81%	14%	67%
	50-64	68%	13%	2%	7%	10%	346	81%	17%	65%
	65-74	66%	10%	5%	7%	13%	207	76%	19%	57%
	75 & older	57%	18%	8%	5%	12%	165	75%	17%	58%
GENDER/AGE	Under 50 women	72%	19%	2%	3%	4%	209	92%	6%	85%
	Under 50 men	54%	24%	4%	8%	10%	236	78%	18%	60%
	50 & older women	67%	12%	5%	6%	9%	386	80%	15%	65%
	50 & older men	63%	14%	3%	6%	14%	333	77%	20%	57%
PARTY ID	Democrat	71%	13%	4%	5%	7%	499	84%	12%	72%
	Independent	66%	12%	4%	3%	14%	124	79%	17%	62%
	Republican	58%	20%	4%	7%	11%	499	78%	18%	60%
PARTY ID / GENDER	Democratic women	76%	11%	3%	5%	5%	289	87%	10%	77%
	Democratic men	64%	15%	4%	5%	11%	210	80%	15%	64%
	Independent women	78%	11%	5%	0%	7%	52	89%	7%	82%
	Independent men	58%	13%	4%	5%	19%	73	72%	24%	47%
	Republican women	60%	20%	4%	5%	10%	232	80%	15%	65%
	Republican men	56%	20%	3%	9%	12%	267	76%	21%	55%
MEDIA MARKET	Miami - Fort Lauderdale	68%	17%	5%	1%	8%	248	86%	9%	77%
	Tallahassee - Thomasville	63%	15%	11%	5%	7%	33	78%	11%	66%
	Orlando - Daytona Beach - Melbourne	59%	20%	4%	7%	10%	226	80%	17%	63%
	Tampa - St Petersburg - Sarasota	63%	15%	3%	9%	10%	303	78%	19%	59%
	West Palm Beach - Ft Pierce	69%	9%	4%	5%	12%	128	79%	17%	61%
	Jacksonville - Brunswick	60%	20%	2%	4%	15%	95	79%	19%	61%
	Fort Myers - Naples	72%	12%	2%	6%	7%	73	84%	14%	70%
	Gainesville	41%	14%	3%	33%	9%	21	55%	42%	13%
	Panama City	66%	17%	5%	1%	11%	25	83%	12%	71%
	Mobile - Pensacola	61%	21%	0%	6%	12%	47	82%	18%	64%
	South	69%	14%	5%	3%	9%	448	83%	12%	71%
	West central	63%	15%	3%	9%	10%	304	78%	19%	59%
REGION	East central	59%	20%	4%	7%	10%	226	80%	17%	63%
	North	60%	18%	3%	7%	12%	222	78%	19%	59%
	South women	74%	12%	4%	3%	6%	218	86%	9%	77%
	South men	65%	16%	5%	3%	11%	231	80%	15%	65%
	West central women	69%	12%	4%	6%	9%	163	81%	15%	65%
	West central men	56%	19%	2%	13%	10%	141	75%	23%	51%
	East central women	63%	21%	3%	8%	5%	112	84%	13%	71%
	East central men	56%	19%	5%	7%	14%	114	75%	20%	55%
	North women	66%	17%	5%	5%	8%	120	83%	13%	70%
	North men	52%	20%	2%	9%	17%	102	72%	26%	46%
EDUCATION LEVEL	H.S./Less	61%	14%	5%	7%	13%	275	75%	20%	55%
	Post H.S.	67%	16%	5%	4%	8%	348	82%	12%	70%
	College graduate	64%	16%	2%	7%	9%	571	81%	16%	65%
	Non-college women	67%	14%	5%	5%	8%	353	82%	13%	69%
GENDER / EDUCATION	College women	71%	15%	2%	5%	6%	255	87%	11%	76%
	Non-College men	60%	16%	5%	6%	13%	270	76%	19%	57%
	College men	58%	20%	2%	9%	12%	315	77%	21%	56%
	Married	63%	17%	4%	6%	10%	830	80%	16%	64%
MARITAL STATUS	Unmarried with partner	77%	11%	0%	8%	4%	40	88%	12%	75%
	Single	62%	20%	0%	8%	9%	91	83%	17%	66%
	Separated	55%	19%	0%	0%	26%	8	74%	26%	48%
	Divorced	70%	12%	3%	6%	9%	104	82%	15%	67%
	Widowed	61%	15%	9%	5%	11%	115	75%	16%	60%
	Married women	69%	14%	4%	5%	8%	400	84%	13%	71%
MARITAL STATUS / GENDER	Married men	58%	19%	3%	8%	12%	430	77%	19%	58%
	Unmarried women	69%	15%	5%	6%	5%	206	84%	11%	73%
	Unmarried men	61%	15%	2%	7%	15%	151	76%	22%	54%
	Protestant	62%	17%	4%	7%	11%	650	79%	17%	62%
RELIGION	Catholic	69%	14%	3%	4%	10%	297	83%	14%	69%
	Jewish	77%	7%	3%	4%	9%	60	84%	13%	71%
	Other	63%	22%	5%	6%	4%	86	85%	10%	75%
	None	51%	22%	7%	9%	11%	75	73%	20%	52%
	Every week	62%	18%	4%	6%	10%	503	80%	16%	64%
RELIGIOUS SERVICE ATTENDANCE	Once or twice a month	67%	11%	4%	8%	10%	175	78%	18%	61%
	Several times a year	65%	19%	3%	5%	7%	182	84%	12%	72%
	Hardly ever	63%	15%	3%	8%	11%	207	78%	19%	59%
	Never	66%	17%	3%	3%	10%	118	83%	13%	70%

# EQUALITY FLORIDA SURVEY REPORT -- WEIGHTED DATA

TABLE 2  
02 Jun 05

		12.PASSING "SAFE SCHOOLS" LAW					Total	Total favor	Total oppose	Net favor
		Strongly favor	Somewhat favor	Don't know	Somewhat oppose	Strongly oppose	# of respondents	Total favor	Total oppose	Net favor
		PCT	PCT	PCT	PCT	PCT				
RACE	White women	68%	15%	4%	5%	8%	519	83%	13%	70%
	White men	58%	19%	3%	8%	12%	477	77%	20%	57%
	Black women	84%	7%	3%	5%	2%	37	90%	7%	84%
	Black men	65%	14%	0%	0%	21%	45	79%	21%	58%
	Hispanic women	88%	9%	0%	3%	0%	31	97%	3%	95%
	Hispanic men	66%	15%	14%	0%	4%	30	82%	4%	78%
	Other	51%	19%	8%	9%	13%	46	70%	22%	47%
KNOW GAYS/LESBIANS	Yes	66%	15%	3%	6%	9%	940	81%	16%	66%
	No	57%	20%	5%	7%	12%	250	77%	18%	58%
LANGUAGE OF INTERVIEW	English	64%	16%	4%	6%	10%	1187	80%	16%	64%
	Spanish	56%	17%	6%	6%	15%	13	73%	21%	52%
10.VOTE LIKELIHOOD	All	66%	15%	4%	6%	9%	876	81%	15%	66%
	Some	58%	20%	4%	6%	11%	324	78%	18%	61%
GENERAL ELECTION VOTE HISTORY - 2000-2004	Voted in none/1 of 3 elections	70%	12%	1%	9%	8%	213	82%	17%	65%
	Voted in 2 of 3 elections	69%	12%	5%	4%	9%	291	81%	13%	68%
	Voted in all 3 elections	60%	19%	4%	6%	10%	697	79%	17%	62%
GAY RIGHTS INDEX	Anti-gay rights	45%	18%	5%	13%	19%	165	63%	33%	30%
	1 out of 3 positive votes	59%	17%	5%	6%	14%	320	76%	19%	57%
	2 out of 3 positive votes	66%	18%	4%	5%	8%	343	83%	13%	71%
	3 out of 3 positive votes	75%	13%	3%	5%	4%	372	88%	9%	79%
GAY RELATIONSHIPS INDEX	Anti-gay relationship	48%	23%	5%	8%	16%	293	71%	24%	46%
	1 out of 6 positive votes	60%	15%	5%	5%	14%	155	75%	20%	55%
	2 out of 6 positive votes	52%	18%	6%	12%	13%	105	69%	25%	44%
	3 out of 6 positive votes	66%	11%	4%	5%	14%	107	77%	19%	58%
	4 out of 6 positive votes	70%	18%	3%	6%	3%	119	88%	9%	79%
	5 out of 6 positive votes	74%	11%	3%	7%	5%	159	86%	12%	74%
COLLAPSED INITIAL AMENDMENT TRIAL HEAT	6 out of 6 positive votes	80%	13%	2%	2%	3%	262	92%	5%	87%
	Yes	59%	18%	4%	7%	13%	671	77%	20%	57%
	Undecided	48%	20%	14%	13%	5%	47	68%	18%	51%
AMENDMENT SUPPORT	No	72%	14%	3%	5%	6%	482	86%	11%	76%
	Core opponents	73%	13%	2%	6%	6%	407	86%	12%	74%
	Persuadables	67%	14%	7%	6%	7%	234	81%	12%	69%
	Core supporters	56%	20%	4%	7%	14%	559	76%	21%	55%

# Florida Safe Schools Coalition

*Because Every Student Must Be Safe And Supported At School*

- Equality Florida
- People for the American Way-Florida
- NAACP- Florida
- NOW- Florida
- AAUW- Florida
- Florida Women's Consortium
- Florida Council Against Sexual Violence
- AFL-CIO- Florida
- The Children's Trust
- ACLU of Florida
- Florida Education Association
- Florida PTA (Parent-Teacher-Association)
- GLSEN National
- Florida Association of School Psychologists
- Pridelines
- GLSEN Jacksonville
- Planned Parenthood
- GLSEN Gainesville
- GLSEN Miami
- GLSEN Ft. Lauderdale
- JASMYN
- Pace Center for Girls
- NAACP Miami Dade Branch
- Broward League of Hispanic Voters
- NAACP- Sarasota Chapter
- Girls Inc., Sarasota Chapter
- SAVE Dade
- Democratic Women's Club of Florida
- Triangle Democrats- Florida
- Triangle Democrats- Jacksonville
- League of Conservation Voters-Florida
- Holy Cross MCC, Tallahassee
- ALSO, Sarasota
- Florida NOW
- Temple Sinai, Ft. Lauderdale
- ACLU of Greater Tampa Bay
- Amnesty International of Tampa
- MCC Suntree, Palm Bay
- Temple Dor Dorim, Weston
- Yes Institute, Miami
- Harbor House, Orlando
- Unitarian Universalist Church, Gainesville
- MCC, Tampa
- Good Samaritan Church, Pinellas Park
- Pace Center for Girls, Miami
- Metropolitan Business Association, Orlando
- True Expressions, Pinellas
- United Teachers of Dade
- NCCJ, Orlando
- PFLAG, Ft. Lauderdale
- Northeast Florida Safe Schools Coalition
- Planned Parenthood – Gainesville
- Sunshine Social Services Inc. / Sunserve
- Lambda Democrats of Key West
- National Association of Social Workers – Florida Chapter
- Planned Parenthood- South Palm Beach and Broward Counties, Inc
- Women In Distress of Broward County
- SEIU Local 1991
- The Lesbian and Gay Caucus of Miami Dade County
- The Unity Coalition
- The Dade County PTA
- Florida National Council of Jewish Women
- The Dolphin Democratic Club



- Family Central Inc.
- Planned Parenthood of Collier County
- The Palm Beach County Human Rights Council
- North County Palm Beach Chapter of NOW
- NCCJ of Broward and Palm Beach Counties
- Palm Beach County Anti-Defamation League
- Aid to Victims of Domestic Abuse
- The Community Task to Eliminate Bullying – Dade County
- The Student Government Association of Miami Dade
- The Greater Miami Urban League
- NCCJ of Greater Miami
- Advocacy Consortium for the Common Good
- Backyard Democracy

#### **Municipalities That Have Passed Resolutions Supporting the Student Safety and Campus Violence Prevention Act**

- City of Wilton Manors
- City of Miami Beach
- City of Lauderdale Lakes
- City of Margate
- City of Hollywood
- Dade School Board
- City of Key West
- Monroe County School Board
- City of Dania

March 3, 2006

Ms. Kathy Hersh, Co-Chair  
Miami-Dade Community Task Force  
For Bullying Prevention  
9051 S.W. 69 Court  
Miami, FL 33156

Dear Ms. Hersh:

This letter is in response to your request for the Anti-Defamation League (ADL) to provide an analysis of the two "Bullying" bills HB535 and HB87 which are currently being considered for passage. The ADL is very concerned about the bullying and harassment that occurs every day in American schools. ADL considers legislative initiatives that address this issue squarely extremely important. The following is our analysis of the two bills and the issue.

The Anti-Defamation League is the nation's leader in the development of innovative and effective programs to confront violent bigotry, prejudice, and bullying. The League works aggressively to strengthen laws that deter and redress bias-motivated violence, while at the same time offering education and training initiatives that attempt to dismantle the stereotypes, prejudices, and biases that can lead to misunderstanding, intergroup tension and violence. ADL has played a lead role in crafting hate crime laws, and we have developed considerable expertise about effective means of confronting bullying and harassment - based on ethnic stereotypes, as well personality and individual characteristics, in elementary and secondary schools.

We strongly support anti-bullying legislation in Florida and believe that both legislative initiatives, HB 87 and HB 535 have necessary components that could be melded into very fine legislation.

1) We believe that the broadly-inclusive, delineated categories included in HB 87 is an essential starting point. By delineating the included categories, the bill avoids charges that it is vague or ambiguous. Almost every state, local, and federal anti-discrimination law and hate crime statute in America lists these protected categories. The laws are color-blind and designed to be enforced equally. For example, the most important Supreme Court hate crime case, Wisconsin v. Mitchell, 508 U.S. 476 (1993), involved African-Americans who beat a white youth. Moreover, HB 535's prohibition against school districts adopting policies with personal characteristic categories would impede the objectives of the legislation and is potentially problematic for existing, inclusive anti-bullying policies across the state.

2) Anti-bullying legislation should address harassment through the Internet or school computer.

3) The definition of bullying should include school setting harassment, such as

"Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment."

- 4) Within the context of federal and state privacy laws, the anti-bullying legislation should require that the parents or guardians of any student involved in a prohibited incident - victims or perpetrators - be notified.
- 5) Anti-bullying legislation must require training for administrators and faculty.
- 6) HB 535 has several useful sections which require reporting, data collection, and an annual report on incidents and the resulting consequences (Lines 126-137 and 179-184). Reporting provides an essential measure of accountability for parents and students.
- 7) ADL would support a provision, like that included in HB 535 (Lines 171-178), to make state safe schools funds contingent on the adoption of an appropriate anti-bullying policy.
- 8) Anti-bullying legislation should include a catch-all constitutional safeguard, such as: "This statute does not prohibit expressive activity protected by the First Amendment of the United States Constitution."
- 9) As the Florida Legislature takes up anti-bullying legislation, it should complement these enforcement efforts prevention initiatives, such as the establishment of a statewide anti-bias education requirement.
- 10) In our anti-bullying workshops we find that physical characteristics and interpersonal disagreements often lead to severe harassment incidents. To create an inclusive environment where all students feel safe and we must include the bullying that comes from those two situations if we are to be truly inclusive of reality.

Sincerely,  
Fran L. Tropp  
Associate Director/Education  
Florida Region

**ADMINISTRATIVE REVIEW OF PROPOSED LEGISLATION DRAFT # HB 535****Title: Bullying and Harassment Prohibited Sponsored by: Bogdanoff****X IMPACTS DISTRICT****NO IMPACT TO THE DISTRICT****SUMMARY OF IMPACT:****The Act Provides:**

This bill prohibits "bullying and harassment" of students and school employees during educational programs or activities, school-related or sponsored programs and on school buses or through the use of a K-12 computer network system. "Bullying" is defined as teasing, social exclusion, threat, intimidation, physical violence, theft, sexual or racial harassment, public humiliation, or destruction of property. "Harassment" is defined as any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct that places a student or employee in reasonable fear of harm to his or person or damage to his or her property; has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or has the effect of substantially disrupting the orderly operation of a school.

The legislation requires that by Sept. 1, 2006, each school district shall adopt an anti-bullying/harassment policy. The policy shall not establish categories of students but shall afford all students the same protection regardless of their status under law. The policy must contain various other components including definitions of bullying and harassment, consequences, procedures for reporting, procedures for investigating complaints and procedures for referring victims and perpetrators for counseling. School districts must also include incidents of bullying or harassment in their report of safety and discipline and data required under Section 1006.09(6) to be compiled in an annual report to the President of the Senate and Speaker of the House by January 1. Distribution of safe schools funds to a school district provided in the 2007-2008 General Appropriations Act is contingent upon DOE approval of the district's anti-bullying/harassment policy. Distribution of safe schools funds provided in fiscal year 2008-2009 and thereafter shall be contingent upon school district compliance with all reporting requirements.

**MDCPS Policy:**

School Board Rule 6Gx13- 5D-1.10, *Discrimination/Harassment: Complaint Procedures for Students*, states that "[t]he School Board of Miami-Dade County, Florida has established procedures to assure nondiscrimination in educational activities/programs and the elimination of harassment, including sexual harassment. It is the policy of the School Board that all students will be treated with respect by all employees, third-parties, and fellow students. Hostile treatment or violence against a student because of his/her gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy or disability, will not be tolerated. It is recognized that discrimination or harassment complaints by students/parents may arise from actual or perceived situations and circumstances related to the prohibition of discrimination..." The Rule provides the procedures to be followed for filing a complaint.

"Bullying", defined in the Student Code of Conduct as "repeated threatening behavior with the aim of physically or mentally hurting another individual," and harassment and threatening to hurt another person are all Level II violations of the Code of Student Conduct. That means if a student is caught bullying, threatening or harassing another student, the policy dictates punishment ranging from parental notification to criminal charges.

**Analysis:**

The Miami-Dade policy is a comprehensive plan addressing discrimination, harassment and bullying. HB 535 would force the district to amend the rule to adopt a category neutral approach, actually making it more difficult to enforce. The Supreme Court stated in *Romer v. Evans*, 517 U.S. 620, 631 (1996) that the enumeration of categories is an essential device for the enforcement of anti-discrimination laws. Thus, the removal of the categories would essentially weaken the rule.

Another serious problem in the language of the bill is the definition of bullying and harassment. What would constitute "substantial teasing" or "substantial social exclusion"? If a student is not invited to parties on more than one occasion, does that mean he or she has been subjected to bullying? These vague definitions would also lead to inconsistent interpretations and implementation among administrators. Clearly, these definitions also differ from those in the MDCPS Code of Student Conduct and the MDCPS Student Code would need to be revised if this bill passes in its current version.

Note that proposed HB 87 also prohibits discrimination, harassment, bullying and violence in schools and is a better bill because it allows identification of categories and otherwise would require no changes in M-DCPS's policies.

**RECOMMENDED ACTION:**

☐ SUPPORT    ☒ DEFEAT    ☐ AMEND    ☐ NO POSITION

**RATIONALE:** M-DCPS has a comprehensive, effective anti-bullying/harassment policy. This bill would weaken it and make it difficult to enforce.

  
Bureau/Office Head

3/2/06  
Date

**ADMINISTRATIVE REVIEW OF PROPOSED LEGISLATION DRAFT # HB 87****Title: Student Safety and Campus Violence Prevention Act.****Sponsored by: Gottlieb****IMPACTS DISTRICT****X   NO IMPACT TO THE DISTRICT****SUMMARY OF IMPACT:****The Act Provides:**

This bill prohibits harassment, discrimination, and violence during education programs and activities on school property, during school-related or school sponsored programs and on school buses. "Harassment" is defined as "any gesture or written, verbal, or physical act that is reasonably perceived as being motivated by the actual or perceived identity or expression of the characteristics of disability, race, religion, ethnicity, color, ancestry, sex, sexual orientation, or national origin, or based on association with an individual who falls into one of the protected categories, and that (a) places a student in reasonable fear of harm to his or her person or damage to his or her property; (b) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or (c) has the effect of substantially disrupting the orderly operation of the school. "

The bill requires that school districts adopt an anti-discrimination/harassment/violence policy by August 1, 2006, and include in the policy a definition "no less inclusive than that set forth" in this legislation. The policy must also include consequences and procedures for reporting and investigating complaints. The policy must also state that civil remedies are available. The bill does not have any penalties for school districts that fail to comply.

**MDCPS Policy**

School Board Rule 6Gx13- 5D-1.10, *Discrimination/Harassment: Complaint Procedures for Students*, states that "[t]he School Board of Miami-Dade County, Florida has established procedures to assure nondiscrimination in educational activities/programs and the elimination of harassment, including sexual harassment. It is the policy of the School Board that all students will be treated with respect by all employees, third-parties, and fellow students. Hostile treatment or violence against a student because of his/her gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy or disability, will not be tolerated. It is recognized that discriminated or harassment complaints by students/parents may arise from actual or perceived situations and circumstances related to the prohibition of discrimination..." The rule provides the procedures to be followed for filing a complaint.

"Bullying," defined in the Student Code of Conduct as "repeated threatening behavior with the aim of physically or mentally hurting another individual," and harassment and threatening to hurt another person are all Level II violations of the Code of Student Conduct. That means if a student is caught bullying, threatening or harassing another student, the policy dictates punishment ranging from parental notification to criminal charges. Threatening to hit or hitting another student with a weapon, having or hiding a weapon and hate crimes are Level V

violations of the Code of Student Conduct and threatening someone with a firearm or deadly weapon or physically hurting someone with a firearm or weapon is a Level VI violation, all punishable by expulsion and referrals for criminal charges.

**Analysis:**

The Miami-Dade anti-discrimination/harassment/violence policy is comprehensive. Because this bill would require a definition of harassment "no less inclusive than that set forth" in the bill, it would have no impact on the Miami-Dade rule or Code of Student Conduct since The Miami-Dade policy is more inclusive.

This is in contrast to HB 535 which would weaken the Miami-Dade Rule and require changes in the Code of Student Conduct.

**RECOMMENDED ACTION:**

☐ SUPPORT      ☐ DEFEAT      ☐ AMEND      ☒ NO POSITION

**RATIONALE:** MDCPS has a comprehensive, effective anti-discrimination/harassment/violence policy. This bill would have no impact.

  
Bureau/Office Head

  
Date



Friday, March 3, 2006

Ms. Kathy Hersh  
Miami-Dade Community Task Force for Bullying Prevention

Dear Ms. Hersh:

You have requested that the ACLU of Florida provide you with a brief analysis of the Bogdanoff "Safe Schools" bill (HB 535), specifically as it would effect existing bullying, harassment and anti-discrimination policies such as those of Miami-Dade County Schools and Broward County Public Schools that include categories such as race, gender, and sexual orientation.

**HB 535 ENDANGERS EXISTING DISTRICT POLICIES PROTECTING STUDENTS**

Some school districts have existing category specific anti-harassment and bullying policies that include a prohibition on harassment and bullying targeted at students based upon characteristics such as their sexual orientation, race, or gender, among others. HB 535 would invalidate those school districts' existing policies by forcing them to adopt category neutral policies.

**1. The Miami-Dade County Public Schools  
Bullying, Harassment and Discrimination Policy**

An illustrative case is a look at the incompatibility of HB 535 with the policy of Miami-Dade County Schools ("the Dade policy").

HB 535 provides:

By September 1, 2006, each school district shall adopt a policy prohibiting bullying and harassment on school property, at a school-related or school-sponsored program or activity, on a school bus, or through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of the district school system. The school district policy shall not establish categories of students but shall afford all students the same protection regardless of their status under law. See Text of HB 535, attached as Exhibit A.

The Dade policy is a comprehensive plan addressing discrimination, harassment, and bullying. The school board summarizes the policy as follows:



The School Board of Miami-Dade County, Florida, has established procedures to assure nondiscrimination in educational activities/programs and the elimination of harassment, including sexual harassment. It is the policy of the School Board that all students will be treated with respect by all employees, third-parties, and fellow students. Hostile treatment or violence against a student because of his/her gender, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability, will not be tolerated.

The Dade policy then goes on to set forth a detailed procedure for reporting, investigating, and remedying discrimination and harassment. If a student is caught bullying, threatening, or harassing another student, then the policy dictates that punishment ranging from parental notification to criminal charges.

HB 535 would eviscerate the Dade policy by requiring the school district to remove all suspect classifications, including protection based upon sexual orientation. For this reason, HB 535, as currently drafted, would actually harm many students who are known to be in a group targeted for harassment and bullying. HB 535 would weaken protection for students in Miami-Dade County.

## **2. The Broward County Public Schools Bullying, Harassment, and Discrimination Policy**

HB 535 would also invalidate Broward's category based system of prohibiting harassment, bullying, and discrimination. Broward County Public Schools has enacted a Code of Student Conduct (Policy 5.8, adopted April 26, 2005) that prohibits bullying and Cyber-bullying in general. The same section goes on to prohibit "[h]arassing others because of age, color, gender, national origin, marital status, race, religion, or sexual orientation." (*See Code of Student Conduct*, page 13). Finally, this section, entitled "Acts against Persons," prohibits hate crimes.

A hate crime is defined as "...an attack on an individual or his/her property in which the individual is intentionally selected because of his/her race, color, religion, national origin, gender, disability, or sexual orientation. The attack or offense may range from racial remarks or graffiti on school walls to threats of physical harm, intimidation, hate mail and hate e-mail, vandalism, arson, physical assault, etc." (*See Code of Student Conduct*, page 14).

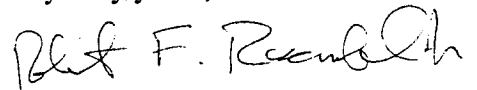
HB 535 defines bullying as "teasing, social exclusion, threat, intimidation, physical violence, theft, sexual or racial harassment, public humiliation, or destruction of property."

HB 535 clearly would invalidate Broward's harassment policy that includes the above-referenced categories of protection. Moreover, HB 535 could invalidate Broward's prohibition against hate crimes – particularly the prohibition against hate crimes perpetrated against gay students. While HB 535 does not claim to address hate crimes or existing hate crimes policies,

the bill defines "bullying" almost identically to the Broward definition of a "hate crime." As noted in the analysis above of the impact of HB 535 on the Dade policy, HB 535 requires school districts to adopt policies prohibiting acts with these characteristics without any protection for any category of student. Because HB 535 defines "bullying" almost identically to what Broward calls a "hate crime," the Broward prohibition against hate crimes based upon such categories as disability or sexual orientation would likely be invalidated.

Please do not hesitate to contact me at (305) 576-2337, extension 19, with any question or comment. My e-mail address is [RRosenwald@aclufl.org](mailto:RRosenwald@aclufl.org), and my direct facsimile line is (786) 363-1392.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert F. Rosenwald, Jr.", with a stylized flourish at the end.

Robert F. Rosenwald, Jr., Esq.  
Director of LGBT Advocacy Project